

SENATE CHAMBER,
AUSTIN, May 31, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the chaplain. Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

Senator Cole presented a petition from citizens of Hunt, Hopkins and Van Zandt counties, to create a new county within the limits of said counties, to be called "Rains."

Read and referred to Committee on Counties and County Boundaries.

Senator Douglas presented a memorial from citizens of the town of Troup, Smith county, asking the prohibition of the sale of intoxicating liquors within two miles of that town.

Read and referred to Committee on Judiciary.

Senator Parsons offered a memorial of Louisa H. McDonald.

Referred to Committee on Internal Improvements.

REPORTS.

Senator Flanagan presented the following reports from Committee on Internal Improvements:

COMMITTEE ROOM,
Austin, May 31, 1870.

To the HON. DON CAMPBELL,

President State Senate:

SIR: Your committee to whom was referred Senate Bill No. 94, entitled "An Act to expedite the construction of the Southern Pacific Railroad," has had the same under consideration, and now return the said bill to the Senate, with the recommendation that it pass.

The committee is of opinion that the rapid extension of the Southern Pacific Railroad westward to the twenty-third degree of longitude west from Washington, by the aid of the credit of the State in the manner proposed by the bill, will insure its construction from that point to El Paso in a comparatively short time, and at no distant day to the Pacific Ocean.

The committee are of opinion that the beneficial effect of constructing this road from the eastern boundary of the State to El

Paso, cannot be over estimated. It must add necessarily to the population and agricultural production of the fertile region through which it will pass; it must expel the hostile Indian from the frontier and give security to the settlers, and add very greatly to the value of the public lands of the State.

The evidence before the committee is convincing that the road is now under able and prudent management, and there can be no doubt that it will be an ample security for the amount, which, under the provisions of this bill, the State will advance to aid in its extension.

The committee are of opinion that the resources of the State are ample to give to the Southern Pacific Railroad Company the aid contemplated by this bill, and at the same time to secure the construction of a great road traversing the State from the north-eastern to the south-western boundary, works which in connection with shorter roads now in progress or in contemplation, will develop the great agricultural and manufacturing resources of the State and give her the high position to which she is entitled by her natural advantages.

Very respectfully,

WEBSTER FLANAGAN,

Chairman.

Laid over under the rules.

COMMITTEE ROOM,

AUSTIN, May 31, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements, to whom was referred Senate Bill No. 93, entitled "An Act for the improvement of the navigation of the Colorado river," have had the same under consideration, and instruct me to report it back with the request it do pass.

WEBSTER FLANAGAN,
Chairman.

Laid over under the rules.

Senator Baker, Chairman of Committee on Elections, reported on case of Hon. H. R. Latimer.

Senator Hertzberg, for minority, presented a report.

Laid over under the rules.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills having examined and

compared Senate bill No. 16, "An Act to Incorporate the Germania Saving, Trust and Exchange Company," and Senate bill No. 36, "An Act to Establish a Ferry across the Sabine River at or near Red Rock, County of Upshur," find the same correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

REPORT OF COMMITTEE ON COUNTIES AND COUNTY BOUNDARIES.

Hon. DON CAMPBELL,

President of Senate:

SIR: Your Committee on Counties and County Boundaries, after due consideration of Senate bill No. 40, with petitions and memorials for and against the removal of the county site of Robinson county, hereby return the same, and recommend the accompanying act as a substitute and its passage.

J. G. BELL,
Chairman of Committee.

Laid over under the rules.

BILLS.

By Senator Parsons, a bill entitled "An Act to Incorporate the Texas Mining Company."

Read first time, and referred to Committee on Internal Improvements.

Also, a bill entitled "An Act to Incorporate the Colorado Railroad Company.

Read first time, and referred to Committee on Internal Improvements.

Also, a bill entitled "An Act for the Regulation and Government of the Institution for Educating the Blind.

Read first time, and referred to Committee on Education.

Also, a bill entitled "An Act to Regulate Foreign Insurance Companies Doing Business in this State, and to Require a Deposit of Security to be Made by Them."

Read first time, and referred to Committee on Judiciary.

Also a bill entitled "An Act amendatory of a supplementary to an act entitled 'An Act to incorporate the Young Men's Real Estate and Building Association, approved November 6, 1866.'"

Read first time and referred to Committee on Judiciary.

By Senator Cole, a bill entitled "An Act to create the county of Rains, and to provide for the organization of the same."

Read first time and referred to Committee on Counties and County Boundaries.

By Senator Bowers, a bill to be entitled "An Act to incorporate the Austin Bridge Company."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Douglas, a bill entitled "An Act to incorporate the town of Troup, in Smith county."

Read first time and referred to Committee on Judiciary.

By Senator Mills, a bill entitled "An Act to incorporate the Navasota Insurance Company."

Read first time and referred to Committee on Judiciary.

Senator Mills offered the following:

WHEREAS, In the opinion of the Senate of the State of Texas, the so-called Supreme Court of the State, now in session in this city; is illegal and entirely without authority or sanction of law, and in open and flagrant violation of section eleven of article five of the Constitution.

Be it therefore resolved by the Senate of the State of Texas, That his Excellency, Gov. E. J. Davis, who is especially charged by section 10 of article 4 of the Constitution, with seeing to it that the laws be faithfully executed, be respectfully requested to nominate, without further delay, in accordance with section 11, article 5, suitable persons for supreme judges, to the end that the provisions of the Constitution may be carried into effect.

Senator Priest moved the indefinite postponement.

Yeas and Nays called for:

Yeas—Messrs. Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Rawson, Ruby, Saylor—11.

Nays—Messrs. Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Shannon—17.

Motion lost.

Senator Bowers offered substitute for caption of resolution.

Senator Priest moved to lay substitute on table.

Yeas and nays called for:

Yeas—Messrs. Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Rawson, Ruby, Saylor—11.

Nays—Messrs. Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Shannon—17.

Motion lost.

Senator Douglas moved the adoption of the substitute.

Yeas and nays called for:

Yeas—Messrs. Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Shannon—17.

Nays—Messrs. Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Priest, Rawson, Ruby, Saylor—11.

The following substitute adopted:

WHEREAS, Doubts exist as to the authority of the judges of the supreme and district courts of the State of Texas to continue to act under appointments emanating from the commander of this military district or department, since the reconstruction of the State; and

Whereas, it is important that a speedy organization of the courts should be made under the Constitution.

Resolution as amended adopted.

Senator Priest moved the rules be suspended, and Senate bill 155, "An Act to provide for districting the State of Texas into judicial districts," be the special order of business.

Rules suspended.

Bill read second time.

During action upon amendments offered by Senator Priest, Senator Dohoney moved a postponement of the whole matter till Friday next at 11 o'clock. Carried.

Senator Parsons moved a recess of five minutes. Carried.

The Senate, on motion of Senator Flanagan went into a committee of the whole; Senator Flanagan in the chair.

[In Senate.]

Senator Flanagan, as chairman of the Committee of the Whole, reported progress and asked leave to sit again to-morrow at ten and a-half A. M.

Senator Fountain moved that House bill No. 88, an act providing for the protection of the frontier, be made the special order for Thursday at one o'clock.

On motion of Senator Ruby, the Senate adjourned till to-morrow at ten A. M.